

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Groenendaal, et al.  
Serial No.: 10/786,982  
Filing Date: February 24, 2004  
Confirmation No. 4521  
Group Art Unit: 2617  
Examiner: Un C. Cho  
Title: *Mobility Management in Wireless Networks*

**Mail Stop - AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Applicants respectfully request reconsideration of the Application in light of the remarks set forth below.

### **REMARKS**

Applicants seek review of the rejections of Claims 1-3, 5-7, 9-15, 34, and 35. Applicants do not seek review in this Request of the rejection of Claims 19-24, 28-33, 36, and 37. Applicants contend that the rejections of Claims 1-3, 5-7, 9-15, 34, and 35 contain clear legal and factual deficiencies, as described below. Applicants request a finding that these rejections are improper and that the claims are allowable.

#### **Section 103 Rejections**

Claims 1-3, 5-7, 9-15, 34, and 35 were rejected under 35 U.S.C. § 103 in view of a combination of references including U.S. Patent 6,466,777 to Urita ("*Urita*"). Applicants respectfully traverse these rejections. As described below and in Applicants' Response dated February 14, 2007 at pages 8-9, these rejections are improper at least because the Final Office Action mailed May 10, 2007 ("Final Office Action") incorrectly relies on two admittedly different mobile phones to meet a limitation of "the same mobile unit," which is clearly wrong.

Independent Claim 1 includes a recitation of "the conflicting access point associations being two or more associations of the same mobile unit with respective two or more access points" (emphasis added). For the benefit of the Review Panel, one embodiment of this limitation may include:

Mobile devices constantly associate and disassociate with access points. As a mobile device travels, it may leave an associated access point's range and therefore becomes disassociated from the access point. The device may then be associated with another access point as it comes into range of the other access point. This behavior is expected since an access point's radio coverage decreases as the distance between the access point and mobile device increases.

*See Applicants' Specification, Page 20, Lines 2-10. In another example embodiment:*

Information regarding association of a mobile unit with an access point is reliable when the mobile unit becomes associated with the access point. However, the information becomes unreliable when the same mobile unit disassociates from the access point. If the mobile unit becomes associated with another access point, a potential conflict exists if both access points depict an association with the same mobile unit. In practice access points often fail to update their disassociation information. In such a situation, a mobile unit can be found to be associated with multiple access points.

Because this situation occurs frequently in practice, conflict resolution is provided through mobility management.

*See Applicants' Specification*, Page 21, Line 25 - Page 22, Line 11.

With respect to Independent Claim 1, the Final Office Action contends that “a mobile terminal and a cloned terminal having the same telephone number ‘aaaa’” of *Urita* discloses “two or more associations of the same mobile unit with respective two or more access points” of Independent Claim 1. *See Final Office Action*, Pages 10-11. This contention, however, is incorrect.

For example, despite contending that *Urita* discloses “the same mobile unit,” the Final Office Action clearly concedes that *Urita* discloses two separate terminals: a mobile terminal and a cloned terminal. *See Final Office Action*, Page 11. In fact, the Final Office Action also admits that one of the terminals of *Urita* is legal while the other is illegal. *See Final Office Action*, Page 11. Two separate terminals, only one of which is legal, however, cannot disclose “the same mobile unit.”

As a second example, the Final Office Action contends that the terminals of *Urita* are “the same mobile unit” because “from the system’s point of view[,] the system sees, according to the identification such as telephone number ‘aaaa’, two identical terminals.” *See Final Office Action*, Page 11. This is incorrect. The system of *Urita* does not see identical terminals because if it did, it would not be able to determine which terminal was the legal terminal, as opposed to the illegal terminal. According to the Final Office Action, however, the system of *Urita* can determine which terminal is the legal terminal. *See Final Office Action*, Page 11 (stating “the system uses the position registration information to identify which one is the mobile terminal and which one is the clone terminal”). As a result, the system of *Urita* does not see “two identical terminals,” and therefore, even under the flawed logic used in the Final Office Action, the two terminals cannot be “the same mobile unit” of Independent Claim 1.

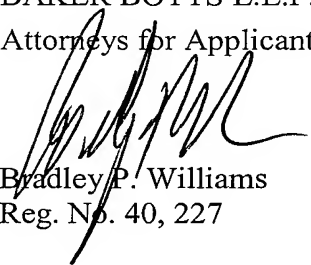
Consequently, *Urita* fails to disclose, expressly or inherently, “the conflicting access point associations being two or more associations of the same mobile unit with respective two or more access points.” Accordingly, Applicants contend that the rejection of Independent Claim 1 is improper, as are the rejections of Claim 2-3, 5-7, and 9-13 that depend therefrom. For analogous reasons, Applicants contend that the rejections of Independent Claims 14, 34,

and 35 are improper, as is the rejection of Claim 15 that depends therefrom. Favorable action is requested.

**CONCLUSION**

As the rejections of Claims 1-3, 5-7, 9-15, 34, and 35 contain clear deficiencies, Applicants respectfully request a finding of allowance of Claims 1-3, 5-7, 9-15, 34, and 35. To the extent necessary, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

BAKER BOTTS L.L.P.  
Attorneys for Applicants



Bradley P. Williams  
Reg. No. 40, 227

Date: June 4, 2007

**Correspondence Address:**

Customer Number: **05073**